

ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

07

4958

-----X

Mohamed Keita ,

Plaintiff,

COMPLAINT

VITALIANO, J.

U. S. Small Business Administration- Office of Disaster Assistance

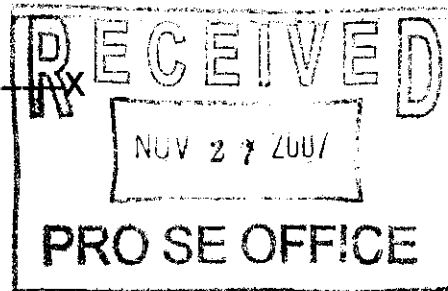
Jane Peas- Disaster Assistance Office

BLOOM, M.J.

U. S. Small Business Administration- PDC Disaster Assistance

Defendants,

Jury Trial Demanded



I. Parties:

Plaintiff Mohamed Keita, resides at 863 Father Capodanno Blvd., Staten Island, New York 10305

Defendant U. S. Small Business Administration- Disaster Assistance Office located at 409 3rd Street, SW 6th, Washington, D. C. 20416

Defendant Jane Peas- Disaster Assistance Office located at 409 3rd Street, SW 6th, Washington, D. C. 20416

Defendant U. S. Small Business Administration- PDC Disaster Assistance located at 14925 Kingsport Road, Fort Worth, TX 76155-2243

II. The jurisdiction of the Court is invoked pursuant to Privacy Act / Freedom of Information Act in The United States District Court, Eastern District Of New York.

III. Statement of Claim. I strongly believed there has been a violation of my Civil Rights and Disaster Assistance- Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U. S. C. 5121-5206 (The Stafford Act) for Disaster Declaration # 10852 and # 10853, New York Disaster Number NY - 00045. Incident period 04/14/2007 through 4/18/2007. In addition, not complying with all parts of SBA Disaster Assistance Program SOP 50 30 5, including but not limited to Chapter 4- Additional Eligibility: Refinancing, Relocation, Mitigation, Page 140 Limited Repayment Ability/Loss in Excess of Lending Limits, and SOP 50-10(4) SUBPART "A" page 64 (4) Appearance of Conflicts. And, also SBA Business and Home Disaster Loan Appeal Under Code of Federal Regulations Title 123.14-123.20, CFR 121.104 (How does SBA calculate annual receipts, Resolving Doubts About Credit Worthiness 120.314, and Moratorium Disaster Relief Act. This has caused me Economic Hardship and Human Suffering.

IV. Description of what occurred. There is an inefficient application of regulatory law of the SBA Disaster Loan Application process by loan processors, officers, and supervisors. This is a serious violation under a Presidential Declared Disaster Assistance and Emergency Act (The Stafford Act). They have impaired my ability to return to predisaster condition and also caused me some serious economic hardship and human suffering as a tax paying United States Citizen by declining my SBA- Business Disaster Loan Number.: 0003099421 and Home Disaster Loan Number.: 0003099423.

V. (a) Involvement of Ms. Jean Peas. Ms. Jean Peas of the SBA Office in Washington DC requested all loan officers and employees of the SBA Disaster Assistance Office not to communicate with me because Mr. Eugene Nygaard (Telephone# 817-358-6200 ext# 3747) had mentioned to me that my loan request has been reconsidered and is been assigned to a Loan Officer by The SBA RECON UNIT at the Fortworth Office in Texa. And, he also mentioned that there was sufficient evidence that the loans should be approve. Mr. Nygaard first informed me of this decision during a direct telephone call I recieved from him last week Friday, 7th of September 2007. This is an improper act by a personel and others in processing my loan application and conflicting policy interpretations between two area offices.

(b) I personally asked Mr. Nygaard, does he believed that there is sufficient material evidence that the declined reasons be changed to an approval? His answered was YES. He was been honest, unbiased, and efficient in the application of the Code of Federal Regulation under the Stafford Act for SBA Disaster Assistance Loan Program. Also left Mr. Nygaard several inquiries about the status of my application. He did return my called at 10:58 am on September 11, 2007.

(c) Obviously, Ms. Jean Peas had realized that there was a complaint filed with The Office of National Ombudsman and Inspect General Officer about the mishandling of my SBA Business and Home Disaster loan applications, inefficient applications of rules, improper act by personel and others in

processing and conflicting policy interpretations between two area offices, discrimination, and biasness in decision making. This has impaired my economic ability and caused me financial hardship as a tax paying citizen of the United States of America for approximately six months. My primary resident and investment properties are in danger of foreclosures. This is a violation of my Civil Rights. I do not think this is the proper tone! She is interfering with the SBA Disaster Assistance policy and procedure.

(d) Also received two denials on September 11, 2007 for both SBA Disaster Business and Home Loans when both applications were submitted on different dates and months. Clear evidenced of discrimination. This is a very sensitive day in the history of the United States, especially in New York City. Both Letters were sent by Mr. Clifton.

V. (a) Involvement of Mr. Herbert Mitchell. His letter dated August 28, 2007, was poorly subjective in explaining the reasons of denial/declined and lacked adequate explanation Under The Code of Federal Regulation of SBA- Disaster Loan Consideration and Regulatory Issues etc. In addition, there is a lack of understanding and misinterpretation of the financial documentation provided to substantiate repayment ability and credit worthiness according to Code of Federal Regulation Under the Stafford Act. In addition, Moratorium and Waiver of Restriction.

(b) Mr. Herbert Mitchell letter dated October 22, 2007 indicated that my appeal process for both loans had ended on August 1, 2007. Which is incorrect. Letters sent by the Disaster Assistance PDC Office on August 22, 2007 and September 11, 2007 shows that I had not absorbed my appeal process on the Home Disaster Loan as he indicated.

(c) Based on the information sent on September 1st, 2007- UPDATED CREDIT INFORMATION FROM TRANS UNION RE: FEMA, CPA CASH FLOW STATEMENT FOR PERIOD ENDED APRIL/2007, SIGNED IRS FORM 8821 FOR POSITIVE CASH FLOW FOR YEARS ENDED 2003, 2004, 2005, AND 2006 shows special circumstances existed that would warrant further consideration as an Administrator under CFR 123.14 through 123.20, CFR 120.314, and CFR 121.104 as a sole proprietorship. There is REPAYMENT ABILITY.

VI. Involvement of Mr. Roger Garland. I called to speak with Ms. Jean Peas upon the receipt of a letter from Mr. Nicholas Owen- National Ombudsman Administrator. The reason I called her was to question her story and that of the office for high level review. Out of sudden, Mr. Roger Garland stepped in and introduced himself as Disaster Assistance Head of Program and Policies. I sent him additional information he had requested MORATORIUM LETTER and PROOF OF LOSSES FROM INSURANCE COMPANIES. I have not received any written response as promised.

VII. Remedy. As a relief, I am kindly requesting the UNITED STATES

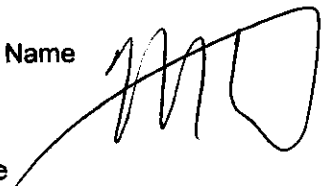
DISTRICT COURT EASTERN DISTRICT OF NEW YORK to Change the Declined of both loans to an IMMEDIATE APPROVAL UNDER THE STAFFORD ACT as a PROVISION to PRESIDENTIAL DECLARED FLOOD DISASTER RELIEF RECOVERY. This WILL ELIMINATE HUMAN SUFFERING and ECONOMIC HARDSHIP as a TAX PAYING CITIZEN. AND, WISH to be CONSIDER for the MAXIMUM SBA DISASTER PHYSICAL and ECONOMIC INJURIES LOAN as a RELIEF PROVISION to METIGATE, REMOVED DELINQUENCIES, and RETURN TO FULL TIME SELF-EMPLOYMENT/ PREDISASTER CONDITION. MORTGAGE COMPANIES has GRANTED me a MORATORIUM which will EXPIRE soon. NO HELP FOR EIGHT MONTHS. DANGER OF FORECLOSURE.

VIII. EXHIBITS.

Date

11/27/07

Sign Your Name

A handwritten signature in black ink, appearing to be 'MTO' with a large loop at the end.

Telephone

(347) 276-1014

(718) 979-2211

Billing Code 8025-01-P

U.S. SMALL BUSINESS ADMINISTRATION

Disaster Declaration # 10852 and # 10853

NEW YORK Disaster Number NY-00045

AGENCY: U.S. SMALL BUSINESS ADMINISTRATION

ACTION: Amendment 1

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of NEW YORK (FEMA - 1692 - DR), dated 04/24/2007.

INCIDENT: Severe Storms and Inland and Coastal Flooding

INCIDENT PERIOD: 04/14/2007 through 04/18/2007

EFFECTIVE DATE: 05/03/2007

PHYSICAL LOAN APPLICATION DEADLINE DATE: 06/25/2007

EIDL LOAN APPLICATION DEADLINE DATE: 01/24/2008

ADDRESSES: Submit completed loan applications to :

U.S. SMALL BUSINESS ADMINISTRATION

PROCESSING AND DISBURSEMENT CENTER

14925 KINGSPORT ROAD

FORT WORTH, TX 76155

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance,
U.S. Small Business Administration, 409 3rd Street, SW, Suite 6050, Washington, DC 20416

SUPPLEMENTARY INFORMATION: The notice of the Presidential disaster declaration for the State of NEW YORK, dated 04/24/2007 is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties:

ALBANY

DUTCHESS

RICHMOND

Contiguous Counties:

NEW YORK

COLUMBIA

GREENE

RENSSELAER

SARATOGA

SCHENECTADY

SCHOHARIE

CONNECTICUT

LITCHFIELD

MASSACHUSETTS

BERKSHIRE

All other information in the original declaration remains unchanged.
(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera

James E. Rivera
Acting Associate Administrator
for Disaster Assistance